

# NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

## NOTICE OF RULEMAKING DOCKET OPENING

### BOARD OF PHARMACY

[R06-299]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 23, Board of Pharmacy  
**Article and its heading:** 1, Administration  
**Section numbers:** 6, Permits and Distribution of Drugs  
R4-23-110  
R4-23-605  
R4-23-607 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
During the 2005 legislative session, the Legislature passed a bill adding Article 3.1 (Regulation of Full Service Wholesale Permittees) to A.R.S. Title 32 (Professions and Occupations) Chapter 18 (Pharmacy). The new Article 3.1 contains five sections: § 32-1981 (Definitions), § 32-1982 (Full service wholesale permittees; bonds; designated representatives; application), § 32-1983 (Restrictions on transactions), § 32-1984 (Pedigrees; electronic files), and § 32-1985 (Injunctive relief). In order to implement the changes made by the forty-seventh Legislature, the Board is amending R4-23-605 (Resident Drug Wholesaler Permit) and R4-23-607 (Nonresident Permits) to incorporate the new requirements for designated representatives, bonds, and pedigrees as specified in A.R.S. Article 3.1.  
  
The Board staff discovered that many licensees and permittees are not aware that precursor chemical and regulated chemical are defined in A.R.S. Title 13 (Criminal Code) Chapter 34 (Drug Offenses). The rulemaking will add a definition for "precursor chemical" and "regulated chemical" to R4-23-110 (Definitions), so the definitions of those terms will be readily available to the Board's licensees and permittees. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.
- The agency docket number, if applicable:** R0605
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Dean Wright, Compliance Officer  
Address: Arizona Board of Pharmacy  
4425 W. Olive Ave., Suite 140  
Glendale, AZ 85302  
Telephone: (623) 463-2727, ext. 131  
Fax: (623) 934-0583  
E-mail: rxcop@cox.net
- 5. The time during which the agency will accept written comments:**  
The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m.  
**The time and place where oral comments may be made:**  
Time: Monday through Friday, 8 a.m. to 4:30 p.m.  
Location: Arizona Board of Pharmacy  
4425 W. Olive Ave., Suite 140  
Glendale, AZ 85302  
Nature: Oral comments  
Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
None

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DEPARTMENT OF REVENUE  
TRANSACTION PRIVILEGE AND USE TAX SECTION

[R06-296]

1. **Title and its heading:** 15, Revenue  
**Chapter and its heading:** 5, Department of Revenue – Transaction Privilege and Use Tax Section  
**Article and its heading:** 1, Retail Classification  
**Section numbers:** R15-5-135; R15-5-137; and R15-5-138  
**Article and its heading:** 23, Use Tax  
**Section numbers:** R15-5-2330; and R15-5-2334
2. **The subject matter of the proposed rule:**  
The Department is amending these rules to conform to current rulewriting standards and pursuant to a Five-Year Rule Review of the retail rules made earlier in the year. The two use tax rules that are substantially similar to these retail rules will also be amended.  
**The agency docket number, if applicable:**  
06-5-03
3. **A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 12 A.A.R. 3026, August 25, 2006
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Rick Swenson, Analyst  
Address: Tax Policy and Research Division  
Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, AZ 85007  
Telephone: (602) 716-6452  
Fax: (602) 716-7995  
E-mail: Rswenson@azdor.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be published in the Notice of Proposed Rulemaking
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION  
ADMINISTRATION

[R06-301]

1. **Title and its heading:** 17, Transportation  
**Chapter and its heading:** 1, Department of Transportation – Administration  
**Article and its heading:** 3, Taxes  
**Section numbers:** R17-1-308, R17-1-318, R17-1-319, R17-1-322, R17-1-323, and R17-1-333
2. **The subject matter of the proposed rule:**  
The Division proposes to repeal antiquated language within existing rules regulating motor fuel tax refunds and create new rules under a new Chapter 8. Additionally, changes will be made to ensure consistency with current state laws and reflect anticipated actions within the agency's five-year review report approved by the Council on July 13, 2004.
3. **A citation to all published notices relating to the proceeding:**  
N/A

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**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Janette M. Quiroz

Address: Administrative Rules Unit  
Department of Transportation, Mail Drop 530M  
1801 W. Jefferson, Room 407  
Phoenix, AZ 85007

Telephone: (602) 712-8996

Fax: (602) 712-3081

E-mail: jmquiroz@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at <http://mvd.azdot.gov/mvd/MVDRules/rules.asp>

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Motor Vehicle Division will accept written comments Monday through Friday 8:00 a.m. to 5:00 p.m. at the address indicated in item #4, except for legal holidays. A public hearing may be scheduled later to provide a forum for interactive discussion with interested parties.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES**

[R06-302]

**1. Title and its heading:**

17, Transportation

**Chapter and its heading:**

4, Department of Transportation – Title, Registration, and Driver Licenses

**Article and its heading:**

7, Hazardous Materials Endorsement (As part of rulemaking, other Sections may be added, deleted, or amended as necessary.)

**Section numbers:**

R17-4-701, R17-4-702, R17-4-703, R17-4-704, R17-4-705, R17-4-706, and R17-4-707

**2. The subject matter of the proposed rule:**

The Arizona Department of Transportation, Motor Vehicle Division, proposes to adopt rulemaking in accordance with 49 CFR 1572, published November 24, 2005, and A.R.S. § 28-3103 as amended by Laws 2006, Ch. 205, § 2, regarding obtaining, transfer, and renewal of Hazardous Materials Endorsements.

**3. A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 1289, April 1, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 4938, November 25, 2005

Notice of Termination of Rulemaking: 12 A.A.R. 2510, July 14, 2006

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Janette M. Quiroz

Address: Department of Transportation, Motor Vehicle Division  
Mail Drop 530M  
1801 W. Jefferson  
Phoenix, AZ 85007

Telephone: (602) 712-8996

Fax: (602) 712-3081

E-mail: jmquiroz@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/mvd/mvdrules/index.asp>

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**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Motor Vehicle Division will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings may be scheduled later to provide a forum for interactive discussion with interested parties.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be determined

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**DEPARTMENT OF TRANSPORTATION**

**MOTOR FUEL TAXES**

[R06-300]

**1. Title and its heading:**

17, Transportation

**Chapter and its heading:**

8, Department of Transportation – Motor Fuel Taxes

**Article and its heading:**

6, Fuel Tax Refunds

**Section numbers:**

Sections to be determined

**2. The subject matter of the proposed rule:**

The Division proposes to create rules regulating Fuel Tax Refunds. Existing rules under 17 A.A.C. 1, Article 3, Taxes, are antiquated and need revisions to reflect current statutory provisions.

**3. A citation to all published notices relating to the proceeding:**

None

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Janette M. Quiroz

Address: Administrative Rules Unit  
Department of Transportation, Mail Drop 530M  
1801 W. Jefferson, Room 407  
Phoenix, AZ 85007

Telephone: (602) 712-8996

Fax: (602) 712-3081

E-mail: jmquiroz@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/mvd/mvdrules/index.asp>

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Motor Vehicle Division will accept written comments Monday through Friday 8:00 a.m. to 5:00 p.m. at the address indicated in item #4. A public hearing may be scheduled later to provide a forum for interactive discussion with interested parties.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

TBD

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**INDUSTRIAL COMMISSION OF ARIZONA**

[R06-293]

**1. Title and its heading:**

20, Commerce, Financial Institutions, and Insurance

**Chapter and its heading:**

5, Industrial Commission of Arizona

**Article and its heading:**

6, Occupational Safety and Health

**Section numbers:**

R20-5-601

**2. The subject matter of the proposed rule:**

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requiring state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, the Industrial Commission is amending R20-5-601 by adopting amendments for Subpart W, Rollover Protection Structures; Overhead Protection, as published in 70 FR 76979- 77025, December 29, 2005, and 71 FR 41127 - 41161, July 20, 2006. Copies of the incorporated by reference material are available for inspection or reproduction at the Arizona Division

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of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007, and can be downloaded from the Federal OSHA web site [www.osha.gov](http://www.osha.gov)

**3. A citation to all published notices relating to the proceeding:**

None published

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: William M. Wright, Assistant Director  
Address: Division of Occupational Safety and Health  
Industrial Commission of Arizona  
800 W. Washington St., Suite 203  
Phoenix, AZ 85007  
Telephone: (602) 542-1695  
Fax: (602) 542-1614  
E-mail: [wright.william.m@dol.gov](mailto:wright.william.m@dol.gov)

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

To be published in the Notice of Proposed Rulemaking

**6. A timetable for agency decisions or other action on the proceeding, if known:**

Not yet known